



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB1912

Introduced 2/15/2013, by Sen. Kwame Raoul

SYNOPSIS AS INTRODUCED:

735 ILCS 5/Art. II Pt. 23 heading new
735 ILCS 5/2-2301 new

Amends the Civil Practice Law of the Code of Civil Procedure. Provides that in any civil action involving a claim for money damages, a release must be tendered by the settling defendants to the plaintiff within 14 days of an agreement to the settlement, and in cases where the law requires court approval of the settlement, the plaintiff shall timely obtain court approval and tender to the defendant a copy of the order approving the settlement. Provides that a settling defendant shall pay all sums due to a settling plaintiff within 21 days of tender by the settling plaintiff to the settling defendant of a duly executed release (and, if required by law, a copy of the order approving the settlement), and provides that upon failure to pay, interest, calculated from the date of the release, shall accrue on the amount of the settlement and shall be payable to the settling plaintiff. Provides that the plaintiff is entitled to judgment without further notice against any settling defendant who has not timely paid. Provides that the new provisions apply to all civil actions involving a claim for money damages. Effective immediately.

LRB098 08938 HEP 40600 b

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Code of Civil Procedure is amended by adding
5 Part 23 to Article II as follows:

6 (735 ILCS 5/Art. II Pt. 23 heading new)

7 Part 23. Settlement

8 (735 ILCS 5/2-2301 new)

9 Sec. 2-2301. Settlement of claims; payment.

10 (a) In any civil action involving a claim for money
11 damages, a release must be tendered by the settling defendants
12 to the plaintiff within 14 days of an agreement to the
13 settlement.

14 (b) In any civil action involving a claim for money damages
15 in which the law requires court approval of a settlement, the
16 plaintiff shall timely obtain court approval and tender to the
17 defendant a copy of the order approving the settlement.

18 (c) A settling defendant shall pay all sums due to a
19 settling plaintiff within 21 days of tender by the settling
20 plaintiff to the settling defendant of a duly executed release
21 (and, if required by law, a copy of the order approving the
22 settlement).

1 (d) If a settling defendant fails to pay to the plaintiff
2 all sums due under the terms of the settlement within 21 days
3 of tender of the executed release (and, if required by law, a
4 copy of the order approving the settlement), interest at the
5 rate set forth under Section 2-1303 of this Code, calculated
6 from the date of the release, shall accrue on the amount of the
7 settlement and shall be payable to the settling plaintiff.

8 (e) The plaintiff is entitled to judgment without further
9 notice against any settling defendant who has not timely paid
10 under subsection (c) of this Section. The judgment shall be for
11 the amount set forth in the executed release, plus costs and
12 interest at the rate specified under Section 2-1303 of this
13 Code.

14 (f) As used in this Section, "tender" means personal
15 delivery or delivery by registered or certified mail, return
16 receipt requested.

17 (g) This Section applies to all civil actions involving a
18 claim for money damages.

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.